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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER DUNN, DARRIN D	
			ART UNIT 2121	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,265

Applicant(s)

LAMBERT ET AL.

Examiner

Darrin Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 06/26/2007.
2. Claims 1-39 have been presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al (USPN 20050038855)

5. As per claim 1, Martin et al. teaches a method for investigating messages passed in a message-passing environment, comprising:

collecting a plurality of messages from at least one participant in the message-passing environment ([FIG 2]), wherein each message has a first piece describing transfer information – source/destination ([FIG 6]) and a second piece describing an operation being performed in the message – message type (request/response type) ([FIG 6])

assembling the messages into at least one message sequence ([Fig 6 – e.g., grouping of messages] e.g., applicant's specification, paragraph [0042] defines "message sequence" as any grouping of one or more messages...based on any criteria. Also, applicant's specification further

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provides that a message sequence can be compiled that *pertains* to transmitted/received messages)

analyzing said at least one message sequence to extract information - session profile regarding the message-passing environment ([0027 lines 19-21] e.g., collecting data regarding a messaging session)

outputting the information ([0027 lines 19-21 e.g., generating session information to evaluate system performance)

6. As per claim 2, Martin et al. teaches the method according to claim 1, wherein the message-passing environment is a network environment including plural participants coupled together via a network ([FIG 5])

7. As per claim 3, Martin et al teaches the method according to claim 2, wherein the network uses an Internet Protocol – network service [0024] to transmit messages between participants.

8. As per claims 4-6 and 23-25 Martin et al. teaches the method according to claim 2, wherein the messages express the information in one of a plurality of message formats –XML [0024]

9. As per claims 7 and 26, Martin et al. teaches the method according to claim 2, wherein the network uses Simple Object Access Protocol (SOAP) to transmit messages between participants [0024])

10. As per claim 8, Martin et al. teaches the method according to claim 1, wherein the message-passing environment is a machine or system including plural interacting components that function as message participants (FIG 3)

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11. As per claim 9, Martin et al. teaches the method according to claim 1, wherein the message-passing environment is a software program - FIG 3 including plural interacting software modules that function as message participants.

12. As per claim 10, Martin et al. teaches the method according to claim 1, further comprising, after the collecting, converting identifying information pertaining to said at least one participant into an indication of a role played - information collected regarding a request ([0027 lines 12-15]) by the participant in the message-passing environment.

13. As per claims 11 and 30, Martin et al. teaches the method according to claim 1, wherein the assembling comprises combining multiple message traces- messages A-D ([FIG 6]) into said at least one message sequence, each message trace pertaining to one or more messages transmitted by/and or received by a participant)

14. As per claim 12, Martin et al. teaches the method according to claim 1 wherein the assembling comprises assembling plural message sequences - FIG 6, and the analyzing comprises analyzing the plural message sequences ([0027 lines 19-21

15. As per claims 13 and 32, Martin et al. teaches the method according to claim 1, wherein the analyzing involves performing cluster analysis to group said at least one message sequence into at least one cluster ([FIG 6]., applicant's specification, paragraph [0065], broadly describes a cluster as grouping items in a set of items into one or more groups. In the present case, the message sequences are further grouped together in accordance with FIG 6)

16. As per claims 14 and 33, Martin et al. teaches the method according to claim 13, wherein the cluster analysis comprises:

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forming a data matrix based on information in said at least one message sequence ([FIG 6]); and

forming said at least one cluster based on the data matrix (FIG 6)

17. As per claims 15 and 34, Martin et al. teaches the method according to claim 14, wherein the forming of the data matrix involves extracting features – time sent from said at least one message sequence ([FIG 6])

18. As per claims 16 and 35, Martin et al. teaches the method according to claim 14, wherein forming the data matrix involves forming a similarity measure – msg type (FIG 6)) which measures the difference between said at least one message sequence and another message sequence (request vs response)

19. As per claims 17 and 36, Martin et al. teaches the method according to claim 13, wherein the analyzing involves identifying results of the cluster analysis that may warrant further investigation ([0021 – bugs, bottlenecks], [0053])

20. As per claims 18 and 37, Martin et al. teaches the method according to claim 1, wherein the analysis comprises comparing said at least one message sequence with a reference message sequence ([FIG 6])

21. As per claims 19 and 38, Martin et al. teaches a computer readable medium including machine readable instructions for implementing the collecting, assembling, analyzing, and outputting recited in claim 1 ([FIG 3 e.g., - O/S])

22. As per claim 20, Martin et al. teaches an apparatus for investigating messages passed in a message-passing environment ([ABSTRACT], [FIG 9] comprising:

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message aggregation logic - FIG 3 configured to collect a plurality of messages from at least one participant in the message-passing environment - FIG 2, and to assemble the messages into at least one message sequence ([FIG 6]), wherein each message has a first piece describing transfer information - source/destination ([FIG 6]) and a second piece describing an operation being performed in the message - response/request ([FIG 6])

analysis logic - [0027 lines 19-21] configured to analyze said at least one message sequence from the message passing environment to extract information regarding at least one participant in the message-passing - identifying attached session information (FIG 7 - 702)

output logic configured to output the information - session profile/trace [0027 lines 19-21])

23. As per claim 21, Martin et al. teaches apparatus according to claim 20, wherein the message-passing environment is a network environment including plural participants coupled together via a network ([FIG. 2])

24. As per claim 22, Martin et al teaches the apparatus according to claim 21, wherein the network uses an Internet Protocol to transmit messages between participants ([0024])

25. As per claim 27, Martin et al. teaches the apparatus according to claim 20, wherein the message-passing environment is a machine or system including plural interacting components that function as message participants ([FIG 3])

26. As per claim 28, Martin et al. teaches the apparatus according to claim 20, wherein the message-passing environment is a software program including plural interacting software modules that function as message participants ([FIG. 3])

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27. As per claim 29, Martin et al. teaches the apparatus according to claim 20, wherein the message aggregation logic is further configured to convert identifying information pertaining to said at least one participant into an indication of a role played -response/request by the participant in the message-passing environment ([FIG 6])

28. As per claim 31, Martin et al. teaches the apparatus according to claim 20 wherein the message aggregation logic is configured to assemble plural message sequences – FIG 6, and the analysis logic is further configured to analyze the plural message sequences ([0027 lines 19-21])

29. As per claim 32, Martin et al. teaches the apparatus according to claim 20, wherein the analysis logic is configured to perform cluster analysis to group said at least one message sequence into at least one cluster ([Table 1], [Col. 7, lines 2-15] e.g., applicant's specification, paragraph [0065], broadly describes a cluster as grouping items in a set of items into one or more groups. In the present case, the message sequences are further grouped together in accordance with Table 1 in which common elements are emphasized as to indicate, among other things, a pattern of attack. (For example, events groups (0,0,0), (0,1,0) (0,0,1), (2,1,1), (3,4,5) etc. may further be divided and grouped into one or more groups – (0,0,0) & (0,1,0) | (0,1,1) & (2,1,1) | (0,1,0) & (0,0,1) depending on the situation class)

30. As per claim 33, Martin et al. teaches the apparatus according to claim 32, wherein, in performing the cluster analysis, the analysis logic is further configured to:

form a data matrix based on information in said at least one message sequence ([Table 1], [Col. 7, lines 2-15] e.g. Table 1, i.e., data matrix, is formed based on how common elements of the event, i.e., information in the message sequence, is to be grouped); and

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form at least one cluster based on the data matrix ([Col. 7, lines 7-10, lines 23-28]) e.g., each situation corresponds to a grouping of items, i.e., events, where various combinations of situations, i.e., 2-1, 2-2, 3-1, etc., result in one or more groups. For example, situation 2-3 produces a grouping of events (1,2,3), (1,3,3), and (1,4,3))

31. As per claim 39, Martin et al. teaches an apparatus for investigating messages passed in a message-passing environment ([FIG 2], [FIG 9], [ABSTRACT]) comprising:

means for collecting a plurality of messages – FIG 5 from at least one participant – 202 in the message-passing environment ([FIG 5]), wherein each message has a first piece describing transfer information –source/destination and a second piece describing an operation – response/request (FIG 6) being performed in the message

means for assembling the messages into at least one message sequence ([FIG 6])

means for analyzing said at least one message sequence from the message-passing environment ([FIG 5] to extract information – session data [0027 lines 19-21] regarding at least one participant in the message-passing environment

means for outputting the information ([0027 lines 19-21])

Response to Arguments

32. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

The objections to the specification, drawing, and claims have been removed.

With respect to the amendments with regard to claims 1, 20, 25, and 39, Martin et al. teaches a message comprising a first piece describing transfer information, i.e.,

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source/destination data, and a second piece describing an operation being performed in the message, i.e., response/request message types.

Response to Amendment

33. The amendments to the claims have been fully considered but are not persuasive in view of a new ground of rejection.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darrin Dunn whose telephone number is (571) 270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD
09/03/07


Anthony Knight
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Art Unit 2121